

ORIGINAL

IN THE SUPREME COURT OF OHIO

Case No. 2014-1122

STATE OF OHIO ex rel. Stephanie Y. Clough

Relator

v.

FRANKLIN COUNTY CHILDREN'S SERVICES, OHIO et al.,

Respondents

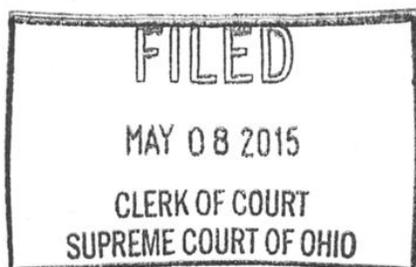
EMERGENCY MOTION IN OPPOSITION TO THE APPOINTMENT OF A SPECIAL
MASTER FOR ORIGINAL ACTION IN MANDAMUS

Stephanie Y. Clough
8060 Wright Road
Broadview Heights, Ohio 44147
Phone: 440-417-3382
stephanieclough@hotmail.com

RELATOR, PRO SE

Franklin County Children's Services, Ohio
Charles M. Spinning, Executive Director
855 W. Mound Street
Columbus, Ohio 43223
Phone: 614-275-2571

and



Franklin County Children's Services, Ohio
Anne O'Leary, Chief Legal Counsel
855 W. Mound Street
Columbus, Ohio 43223
Phone: 614-275-2571

RESPONDENTS

Franklin County Prosecuting Attorney
Nick A. Soulas 0062166
373 S. High Street
13th Floor
Columbus, OH 43215-6318
Phone: 614-525-3520

COUNSEL OF RECORD

Now comes the State of Ohio, on relation to one of its citizens, Stephanie Y. Clough (hereinafter, "Relator"), who hereby files her Emergency Motion in Opposition to the Appointment of a Special Master for Original Action in Mandamus. Relator objects to imposing likely expenses on the parties and unreasonable delay in pronouncing judgment on Relator's Original Action in Mandamus. Relator objects to the appointment of a Special Master to review the underlying records of Franklin County Children Services on the following grounds:

The parties to the Original Action in Mandamus have not consented to the appointment of a Special Master, nor were they even consulted prior to the appointment.

The order specifying the appointment of the Special Master did not assign the Special Master's specific duties, limits on authority, time constraints, or reporting requirements.

The order did not specify the circumstances, if any, under which the Special Master may communicate ex parte with either party.

The order did not establish the basic terms, and procedure for fixing the Special Master's compensation or how the parties will share in the expense.

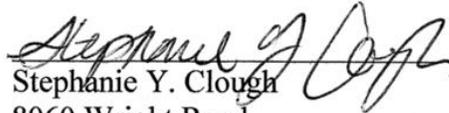
The rule governing the appointment of a Master Commissioner, S.Ct.Prac.R. 12.10, states, "The Supreme Court may refer original actions to a master commissioner for the presentation of evidence, hearings, and oral argument". The appointment to review Franklin County Children Services (FCCS) records does not appear to fall within the rule. There are no hearings, or oral argument required, and the underlying records were not filed as evidence.

The content of the underlying records is not relevant in order to proceed to judgment on this matter. Relator has proven that she has a legal right to review and copy FCCS case records for her and her minor child. Relator has also shown that FCCS has a legal duty to fulfill Relator's request to review her case file as established under FCCS Board of Trustees Policies, and Relator has no other legal remedy.

The appointment of a Special Master will likely impose undue expense on the Relator and unreasonable delay in judgment.

WHEREFORE, Relator requests that this Honorable Court rescind the appointment of a Special Master and proceed to judgment on Relator's Original Action in Mandamus.

Respectfully submitted



Stephanie Y. Clough
8060 Wright Road
Broadview Heights, Ohio 44147
Phone: 440-417-3382
stephanieclough@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that I served the above *Emergency Motion in Opposition to the Appointment of a Special Master for Original Action in Mandamus* filed by Relator Stephanie Y. Clough to the following by regular U.S. Mail this 8th day of May, 2015.

Franklin County Children's Services, Ohio
Charles M. Spinning, Executive Director
855 W. Mound Street
Columbus, Ohio 43223
Phone: 614-275-2571

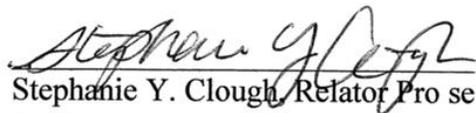
and

Franklin County Children's Services, Ohio
Anne O'Leary, Chief Legal Counsel
855 W. Mound Street
Columbus, Ohio 43223
Phone: 614-275-2571

RESPONDENTS

Franklin County Prosecuting Attorney
Nick A. Soulas 0062166
373 S. High Street
13th Floor
Columbus, OH 43215-6318
Phone: 614-525-3520

COUNSEL OF RECORD


Stephanie Y. Clough, Relator Pro se
8060 Wright Road
Broadview Heights, Ohio 44147
Phone: 440-417-3382
stephanieclough@hotmail.com